

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VIRGA CARTER,

Plaintiff,

Case No. 1:05-CV-529

v.

Hon. Hugh W. Brenneman, Jr.

CITY OF WYOMING and
JESSIE LOPEZ,

Defendants.

ORDER DISMISSING COUNT III

Plaintiff has filed a motion to dismiss Count III of the First Amended Complaint, entitled Assault and Battery, against both defendant Jesse Lopez and the City of Wyoming, on the basis that the plaintiff does not believe there is sufficient evidence to support this count. The motion is unopposed.

Accordingly, the motion (docket no. 104) is GRANTED and Count III shall be dismissed in its entirety, with prejudice.

IT IS SO ORDERED.

Dated: January 16, 2009

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge